

EXHIBIT 16

In the Matter of:

TENNESSEE CONFERENCE of the NATIONAL COLORED PEOPLE

VS

WILLIAM LEE

ANTHONY MAXEY

March 22, 2023



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IN THE UNITED STATES DISTRICT COURT FOR MIDDLE
DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE CONFERENCE of the NATIONAL
ASSOCIATION for the ADVANCEMENT of
COLORED PEOPLE, on behalf of itself
and its members, et al.,

Plaintiffs,

vs.

Case No. 3:20-CV-01039

WILLIAM LEE, in his official capacity
as Governor of the State of Tennessee,
et al.,

Defendants.

ROUGH DRAFT

Videoconference 30(b)(6) Deposition of:

ANTHONY W. MAXEY

Taken on behalf of the Plaintiffs
March 22, 2023
Commencing at 9:31 a.m.

Reported by: Georgette K. Arena, RPR, LCR
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A P P E A R A N C E S

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S T I P U L A T I O N S

The videoconference deposition of ANTHONY W. MAXEY was taken by counsel for the Plaintiffs, by Notice, with the witness located in Knoxville, Tennessee, on March 22, 2023, for all purposes under the Federal Rules of Civil Procedure.

The formalities as to notice, caption, certificate, transmission, et cetera, are expressly waived.

It is agreed that GEORGETTE K. ARENA, RPR, Notary Public and Licensed Court Reporter for the State of Tennessee, may swear the witness.

* * * * *

1 * * *

2 ANTHONY W. MAXEY,
3 was called as a witness, and after having been duly
4 sworn, testified as follows:

5
6 EXAMINATION

7 QUESTIONS BY MS. HULING:

8 Q. All right. Good morning, Mr. Maxey. My name
9 is Alice Huling. I work as a senior legal counsel
10 at Campaign Legal Center, and I am here today with
11 my colleague Valencia Richardson. We represent the
12 plaintiffs in this case, Tennessee NAACP versus
13 State.

14 MR. BARKER: Before we begin the
15 questioning, I do want to go ahead and note the same
16 three objections that we've noted in previous
17 depositions and put those on the record.

18 First, defendants object to the 30(b)(6)
19 notices as overbroad and unduly burdensome to the
20 extent that they require the deponent to review
21 individual case files on individual circumstances
22 contained in those case files.

23 Defendants further object to anything in
24 the notices that require the deponent to go outside
25 their district to obtain information about the

1 topics contained in the notice.

2 And, third, defendants object to the
3 timeframe of June 5th, 2006, to present as overly
4 broad and not reasonably calculated to lead to the
5 discovery of relevant information. But to the
6 extent that the deponent knows his or her district
7 has information available, they have been instructed
8 to do the best they can concerning the timeframe
9 required. Those are our three initial objections.
10 We would like to note those on the record at this
11 time.

12 MS. HULING: The plaintiffs will note
13 that, and as we have in prior depositions, note
14 again that this notice and these topics were first
15 served on February 28th, almost a month ago. Since
16 then the parties have had to meet and confer in
17 other discovery issues and would have been happy to
18 discuss those objections and try and reach a
19 consensus on the deposition topics, but they have
20 not been raised. The objections have only been
21 raised in deposition, as opposed to outside when the
22 parties conferred. With that said, objections are
23 noted.

24 Q (BY MS. HULING) Director Maxey, will you
25 please state your full name for the record.

1 A. Anthony W. Maxey.

2 Q. Thank you. And do you understand that though
3 we are not in a courtroom today, you are sworn under
4 oath to tell the truth?

5 A. Yes.

6 Q. Great. Have you ever been deposed before?

7 A. No, ma'am, I have not.

8 Q. Okay. Hopefully, this won't be too bad of an
9 introductory experience to it.

10 A. No.

11 Q. I'm going to want to start by clarifying that
12 we are having this deposition today fundamentally as
13 an opportunity for myself and my colleague to learn
14 more about your office and your work. So we will be
15 asking questions. They're truly meant to just
16 understand better the work that you do, and your
17 office does, on a daily basis.

18 With that said, I'm going to go over a few
19 general sort of procedures for a deposition. And
20 I'm just going to ask to make sure you understand
21 those, as I'm laying them out.

22 The first is regarding the fact that we have
23 Georgette with us today, our court reporter. She's
24 going to be transcribing everything that's said
25 today. I'll be asking questions, and you'll be

1 Q. Okay. And are there any felony convictions
2 that don't result at all in the -- let me try that
3 again.

4 Are you aware of any felony convictions that
5 do not result in the loss of the right to vote at
6 any time?

7 A. That do not result in the loss of right to
8 vote? No, I'm not aware of any.

9 Q. And are you familiar -- I think you said you
10 were. But are you familiar with the certificate of
11 voter rights restoration, or the COR form?

12 A. I am.

13 Q. And are you familiar with the criteria for
14 determining whether someone is eligible to have a
15 COR form filled out for them?

16 A. I'm familiar, but if I had to issue one, I
17 would have to refer back to the policy to make sure
18 because, again, I'm -- I'm kind of removed from the
19 direct issuance of that. So I would always refer
20 back to policy to ensure I wasn't missing anything.

21 Q. Okay. To the extent that you supervise or
22 manage your office's completion of COR forms, what
23 is your sort of daily or weekly -- do you have any
24 daily or weekly responsibilities or -- or tasks that
25 you are doing in that supervision on a regular

1 A. Well, I'm not sure of their policies, but I
2 would assume the U.S. probation officer.

3 Q. Okay. But it wouldn't be somebody in your
4 office at any rate?

5 A. I mean, we won't generally be responsible.
6 But if we were able to assist, we would in some way.

7 Q. Understood. Okay. I am done with that
8 document. I'm don't want to jinx anything, but this
9 might be our last one.

10 I'm going to pull up Document P, and I would
11 like to introduce that as Exhibit 15.

12 (WHEREUPON, the above-mentioned
13 document was marked as Exhibit Number 15.)

14 Q (BY MS. HULING) Okay. Director Maxey, do you
15 see another denial letter? This one is dated
16 September 2, 2016.

17 A. Yes.

18 Q. And this is in Knox County so that's
19 definitely one of the counties in District 20,
20 correct?

21 A. Yes.

22 Q. Okay. And the reason for denial of
23 restoration here says, Court order needed to restore
24 person's voting rights?

25 A. Yes.

1 Q. Do you have an understanding of what that
2 means?

3 A. No, I don't. I would -- I would assume that
4 is an individual circumstance. I have no idea why
5 the court order would be needed.

6 Q. Okay.

7 A. Without -- I would have to review the case.

8 Q. Can you think of any times in your experience
9 where there's been a situation where a court order
10 has been needed in addition to the completed COR
11 form?

12 A. Nothing is coming to mind. Can you scroll
13 down and let me see the actual --

14 Q. Yes. Absolutely. I'm sorry.

15 A. It appears that conviction is from out of
16 Oklahoma. So that may be why they are asking for
17 some type of court order.

18 Q. Because it is an out-of-state conviction?

19 A. Yes.

20 Q. So in that case they might need the court
21 order?

22 A. That's just my assumption.

23 Q. Okay. Fair enough. And this appears to be
24 signed by a -- it's a little hard to read, but James
25 Krippler -- or Kriplean. I believe that may have

1 been the individual who we talked about earlier in
2 Knox County?

3 A. It was, yes.

4 Q. Okay. I also noticed that the conviction
5 date here is circled, July 11, 1972. Do you have
6 any reason to believe that that 1972 conviction --
7 like the fact that it's from 1972, could be related
8 to why there would or wouldn't need to be a court
9 order?

10 A. Scroll. Can you scroll up just a little?

11 Q. Uh-huh (affirmative).

12 A. I'm bad with dates. So according to the
13 certificate of restoration of voting rights for
14 persons convicted of a felony on or after May 18,
15 1981.

16 So I'm not sure what is required if the
17 conviction was prior to that date. That may be why
18 that they require a court order. I don't know.
19 I've never -- I've never saw one like this before,
20 so...

21 Q. Okay. If you had an individual who came in
22 who had a conviction from prior to 1981, what would
23 you -- what would be -- how would you handle that?

24 A. I would consult my chain of command.

25 Q. Okay. Are you familiar with any period of

1 time during which a felony conviction would not
2 require a COR to be submitted?

3 A. Not a felony conviction. I mean, again, we
4 have offenders that serve felony probation. But if
5 they received a diversion, then they are not
6 actually serving a conviction.

7 Q. Okay. So if they are on a diversion, they
8 wouldn't have the requirement to get their rights
9 restored because their rights wouldn't have been
10 stripped?

11 A. Correct.

12 Q. If they didn't get the conviction, it's your
13 understanding that they wouldn't need to call --
14 fill in -- have COR forms filled out for them?

15 A. Correct.

16 Q. Okay. And in your understanding, do all 1972
17 felony convictions require a COR form to be filled
18 out for rights restoration?

19 A. Again, I don't know that I've ever filled one
20 out. That was the year I was born. So that was 51
21 years ago. So I don't know that I've ever filled
22 one out for a conviction that old. So I -- I can't
23 say what the requirements are. I don't know.

24 Q. Okay. Okay. Fair enough. I'm done with
25 that document.